

JUL 23 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALBERIA L. FOSTER,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant - Appellee.

No. 08-35120

D.C. No. CV-06-00152-CSO

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Carolyn S. Ostby, Magistrate Judge, Presiding

Submitted July 14, 2008^{**}

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

Appellee's unopposed motion for a full remand is granted, and the district

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

court's October 26, 2007 judgment is vacated and remanded.

Pursuant to sentence four of 42 U.S.C. § 405(g), the district court shall remand the case to the Commissioner of Social Security for further administrative proceedings. The district court shall enter judgment consistent with *Shalala v. Shaefer*, 509 U.S. 292, 296-302 (1993).

VACATED and REMANDED.